HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

WRIT PETITION No. 24764 OF 2005

Dated 15-12-2005

Between :

Syed Noorul Hasan, son of Late Syed Noorul Ahmed, aged 58 years, Occupation : Landlord, resident of H.No.11-2-1147, Rein Bazar, Hyderabad, represented by his G.P.A. Holder C. Ramesh, son of C. Laxmaiah, aged 41 years, Occupation : Business, resident of H.No.4-65, Saroornagar village and Mandal, R.R. District.

….Petitioner.

And :

1. Government of A.P. rep. By its Secretary, Revenue Department, Secretariat, Hyderabad and others.

…..Respondents.

ORDER :

This writ petition has been filed by Syed Noorul Hasan with a prayer to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the Collector, Ranga Reddy District-3rd respondent in not conducting an early enquiry for sanction and implementation of mutation as well as issue of pattadar pass book and title deed in favour of the petitioner in respect of the land admeasuring Ac.10.00 Guntas situated in Sy.No.83 (part) of Raidurg Pan Maqta village, Serilingampally Mandal, Ranga Reddy District as arbitrary and contrary to the G.O.Ms.No.1765 dated 06-10-2005.

2. The petitioner claims that he is the owner and possessor of Ac.10-00 comprising Survey No.83 of Raidurg Pan Maqta village, Serilingampally Mandal, Ranga Reddy District. He submitted a representation before the Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District-4th respondent to conduct an enquiry and mutate his name in the revenue records and issue pattadar pass book and title deed in his favour. Since, no enquiry has been conducted on the representation, he has chosen to approach this Court by invoking jurisdiction under Article 226 of the

Constitution of India.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

4. The learned counsel for the petitioner submits that the petitioner is the owner and possessor of Ac.10-00 cents of land comprising Survey No.83 and the petitioner submitted a representation to the 4th respondent to conduct an enquiry and mutate his name in the revenue records and issue pattadar pass book and title deed. Since the 4th respondent has not conducted any enquiry on the representation, the petitioner has chosen to file this writ petition by invoking jurisdiction under Article 226 of the Constitution of India.

5. The learned Government Pleader, on instructions from the respondents, submits that the land for which the issuance of pattadar pass book and title deed has been claimed is a Government land and therefore, the issuance of the pattadar pass book and title deed in favour of the petitioner does not arise.

6. A fact remains that representation has been submitted by the petitioner for issuance of the pattadar pass book and title deed in respect of the Ac.10.00 cents of land admeasuring survey No.83. It is for the 4th respondent to pass appropriate orders on the representation. Mere representation by the petitioner for grant of pattadar pass book and title deed does not mean that the recording authority has to comply the request of the petitioner irrespective of his not having any title over the land. The 4th respondent being the recording authority has to make necessary enquiry as provided under the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and dispose the representation of the petitioner accordingly.

7. In that view of the matter, I deem it appropriate to dispose of the writ petition directing the 4th respondent to consider the representation of the petitioner in accordance with the provisions of the A.P. Rights in Land and Patadar Pass Books Act, 1971 and pass appropriate orders within a period of six weeks from the date of the receipt of a copy of this order.

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Justice B.SESHASAYANA REDDY

Date : 15-12-2005.

Dvs

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